

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 -against-

6 IBRAHIM SULEIMAN ADNAN ADAM
7 HARUN,

8 Defendant.

12-CR-134 (BMC)

United States Courthouse
Brooklyn, New York

May 13, 2016
11:30 a.m.

9 TRANSCRIPT OF CRIMINAL CAUSE FOR STATUS CONFERENCE
10 BEFORE THE HONORABLE BRIAN M. COGAN
11 UNITED STATES DISTRICT JUDGE

12 APPEARANCES

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Linda D. Danelczyk, RPR, CSR
Official Court Reporter

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1 (Interpreter sworn.)

2 THE COURTROOM DEPUTY: United States versus Adnan
3 Hausa, Docket number 12-CR-134.

4 Counsel, please state your appearances, starting
5 with the government.

6 MR. ARIAL: Good morning, Your Honor. Shreve Arial,
7 Melody Wells and Matt Jacobs for the United States.

8 MR. JACOBS: Good morning.

9 MS. WELLS: Good morning.

10 THE COURT: Good morning.

11 MR. STERN: David Stern and Joshua Dratel for
12 Mr. Harun.

13 MR. JACOBS: Good morning, Your Honor.

14 THE COURT: Good morning.

15 All right, the defendant is not present. Let me
16 explain for the record how that came about, and then I'm going
17 to solicit input from the marshal, who is also present, and
18 ask the attorneys what they think we ought to do about it.

19 Just to very briefly recount the history of the
20 case. The defendant has either refused to be brought to court
21 from the MDC on prior occasions for conferences, or has been
22 disruptive once we have brought him into court and thus has
23 not been present.

24 I had signed previously, as we discussed at the last
25 conference, I had signed a force order requiring the marshals

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1 to use whatever forces necessary to bring him today to the
2 proceeding.

3 I received a call a little while ago, about an hour
4 ago, from the marshals saying that force had been in fact
5 required; that they had put him in the van, that they were
6 concerned that he was so violent that he was going to kick out
7 the windows on the van and they, therefore, had restrained his
8 hands and feet with shackles. Not withstanding those
9 restraints, the defendant had managed to tear his clothing to
10 shred and, therefore, arrived in court wearing nothing but
11 underwear.

12 I talked to the marshals about whether it would be
13 possible to dress him. The marshals said they could get a
14 shirt on him and have him sit here in his underwear. I said
15 that's not acceptable. They said it would be very difficult
16 to get pants back on him because they would have to unshackle
17 his feet and put pants on him.

18 And I said at that point, subject to input from the
19 parties, I'm going to have the adjoining courtroom set up with
20 a television monitor so that he can watch the proceedings with
21 an interpreter and have the proceedings translated for him.

22 Now, as I took the bench today, I heard and I
23 continue to hear as I'm here, the defendant is screaming
24 incoherently, even though he is not in the courtroom, he's in
25 the holding cell. I don't know if the lawyers can hear it as

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1 well as I can, I'm sure the defense lawyers can, but it's
2 quite loud.

3 Let me ask one of the marshals to -- first of all,
4 have I gotten it right? Tell me your name, sir.

5 MR. ELCIK: James Elcik, sir. E-L-C-I-K.

6 Yes, you have. And we spoke on the phone earlier.

7 THE COURT: Okay.

8 MR. ELCIK: And that is an accurate statement.

9 THE COURT: Is it possible to get him into the
10 adjoining courtroom so that he can watch these proceedings on
11 TV?

12 THE MARSHAL: Yes.

13 THE COURT: All right. Is there any reason why you
14 think we shouldn't do that?

15 THE MARSHAL: Aside from the fact that he may fight
16 with us. We're going to have to take him out of the cell
17 eventually to get him back downstairs anyway, so if that's
18 your wish, we will certainly comply.

19 THE COURT: Do any of the parties have a view on
20 this?

21 MR. STERN: May we have a moment, Your Honor to
22 discuss this?

23 THE COURT: Sure.

24 (Pause.)

25 MR. JACOBS: It was our position he shouldn't be

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1 brought today at all. We understood the Judge's and the
2 government's position and he was brought.

3 It remains our position that there's no reason to
4 endanger marshals or him. And while we have concerns about
5 his mental health, we know he's been evaluated before, we
6 continue to at least consider those concerns, but we don't
7 want him brought into a courtroom where he can get involved in
8 what can potentially result in more charges for him and more
9 danger for the marshals and for him.

10 We tried to see him and I think it's fair to say it
11 didn't have a favorable outcome. He's not going to gain by
12 sitting in the other room because he doesn't listen to
13 anything. So I would prefer he either be left where he is or
14 just brought back and not make it more complex than it already
15 is.

16 MR. STERN: Your Honor, if I could add, he did not
17 engage us in a conversation where we could be heard and I
18 don't think that will change even with the interpreter
19 speaking on our behalf; he didn't listen, he yelled over us.
20 I don't think it would be any different in a courtroom.

21 And in addition to the whole question of the
22 marshal's safety and Mr. Harun's safety, I think that the
23 restraints that are -- right now he's in a cell, the
24 restraints that are going to be required to put him in a
25 courtroom for the safety of the marshals and the interpreter I

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1 think is going to aggravate the situation in terms of his
2 hostility and his mental state. So I don't know that that
3 would be a productive endeavor.

4 THE COURT: All right, I'll hear from the
5 government.

6 MR. ARIAL: Your Honor, a couple of things just in
7 terms of the narrative in terms of how things occurred this
8 morning before Your Honor came out.

9 We were advised that the defendant had actually
10 calmed down and was not overtly hostile. Subsequently,
11 though, the defense counsel went in to speak with him and
12 that's when the defendant became enraged and began cursing in
13 English and then also speaking loudly and aggressively in a
14 foreign language, which I presume is Hausa, which is his
15 native tongue, and he also continues to speak in Hausa in an
16 aggressive manner. So I just want to put that, make that
17 clear.

18 MR. STERN: The interpreter told us some of it was
19 Hausa and some of it was in an unidentifiable language, or
20 maybe no language at all. But it's true that some was Hausa
21 and it seems to be true that the interpreter hears it and
22 apparently some of it was not a language at least he was
23 familiar with and neither of us were familiar with.

24 MR. ARIAL: And the reason, as Your Honor is aware
25 we brought the defendant here, and the safety concerns,

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1 obviously, are paramount here and particularly for the safety
2 of the marshals, that's our major concern. But the reason we
3 brought him here was so that we could actually inform him of
4 the status of his case in some manner so that he knows he has
5 a trial date that is scheduled for October 24th. So that he
6 also knows that his defense attorneys intend to seek to
7 adjourn that trial date for a substantial period of time, a
8 year from now, to conduct investigative measures that by all
9 accounts he disagrees with.

10 So I do appreciate that defense counsel is concerned
11 about getting him upset by bringing him in here. I do
12 appreciate that he's not listening to them. But that is his
13 MO, that is his engagement with this process, which is to
14 refuse to engage with this process. If we could at least have
15 him present during the proceedings and we could actually
16 orally communicate to him what's happening, that actually
17 might, I believe, be helpful in terms of getting some kind of
18 a record that he knows what's going on and he's engaged in.

19 THE COURT: Do you hear what's going on in there?

20 MR. ARIAL: I do, Your Honor.

21 MR. STERN: Judge, to the extent the government's
22 concerned, we can get the transcript, have it translated into
23 Hausa and mail a copy to him. That would be at least as
24 effective as bringing him in here to holler and make sure no
25 one else can be heard.

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1 MR. ARIAL: And I'm not asking that he be brought
2 into this courtroom at all, Your Honor. I'm not suggest that,
3 I was suggesting the alternative, which was to place him in
4 the adjourning courtroom so that he can hear the proceedings.

5 MR. JACOBS: Your Honor --

6 THE COURT: But if he's screaming at the top of his
7 lungs, as he's continuing to do, he will not hear. That is
8 the problem.

9 Look, I appreciate the fact that the government
10 needs to do everything possible and I need to do everything
11 possible to give him an understanding of what's going on.

12 But keep in mind we've had extensive mental health
13 evaluations, and I have made the finding already that this is
14 a defendant who, with a resolution that I have not seen in any
15 other defendant, absolutely refused to acknowledge or
16 participant or have any interest in these proceedings in any
17 way and whose desire is simply to obstruct them as much as
18 possible and shield himself from any knowledge.

19 And short of administering drug treatment to him to
20 get him in a more somnolent state, which I don't hear anybody
21 abdicating, I don't know how we're going to convey that
22 information to him.

23 Your point -- I'm speaking to defense counsel -- of
24 sending him the transcript in Hausa, the indication is going
25 to be that he's going to rip it up, because he doesn't want to

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1 know. That's his way of defeating the system.

2 Now that does not mean I won't that. Again, we have
3 to make every effort to try to do that. But there is a safety
4 concern that everyone's acknowledged. Every time we require
5 the marshals to put their hands on him, somebody is at risk to
6 get hurt and I don't know that we gain anything from pushing
7 it further than we have today.

8 MR. ARIAL: I guess, Your Honor, my concern is that
9 he have the opportunity to hear what's going on. I'm with
10 you. I don't think he's going to listen, I don't think he
11 cares. But that at least he hears it from the Court, that he
12 hears what's going on in here in another room that is not, you
13 know, filled with defense counsel, government personnel,
14 people who might cause him to be animated. That he at least
15 hear what's happening so we know that he's heard it and we
16 have that record.

17 I agree if we send the transcript to him, he'll rip
18 it up and he'll throw it away before he even looks at it. And
19 if we do that, then I think we would be comfortable
20 proceeding. But that's our request.

21 THE COURT: All right, I have to balance the
22 possible utility of the marshals laying hands on him again and
23 literally strapping him into a chair in the adjourning
24 courtroom and the unlikelihood that he is going to follow the
25 proceedings at all. Also there will be some risk to the

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1 interpreter who will be there. I have to balance that against
2 the utility of his right to be present.

3 And I think the balance very easily comes out in
4 favor of not making another physical confrontation that's not
5 going to do him any good. That's especially so because the
6 first thing we have to decide is when is the trial date. We
7 haven't decided that. Are we going to have him strapped in
8 next door for the 5, 10 or 15-minute conversation we need to
9 have in order to do that? He certainly isn't going to give us
10 any input on his views on that. I mean, we're all agreed on
11 that.

12 So I see no reason to subject him or the marshals,
13 or the interpreter or, frankly, defense counsel to any further
14 physical altercations.

15 What I think I want to do is just keep him in the
16 holding cell for now, let's talk about the trial date and then
17 when we adjourn, defense counsel and the interpreter and the
18 government as well, if it wants to be there, can go into the
19 holding area and tell him: Your trial date is going to be at
20 this time. And then at least there will have been an effort
21 to communicate with him.

22 MR. STERN: Judge, I have two things to say: One is
23 that, you know, I don't really think the government should go
24 back there. He is in his underwear exposing himself. It's a
25 very -- I don't know how to describe it, that's what it is.

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1 And they can be confident that we will go and tell him the
2 things that you're suggesting we tell him. We can write a
3 letter confirming that we told him those things. And by
4 saying tell him, I mean the words will leave our mouths. What
5 happens after that I don't know.

6 But the other suggestion, which I made before but
7 I'm hoping something can done about it, is that if we can get
8 a closed-circuit camera so that he can stay in his cell, they
9 can set up the screen outside his cell. He could watch from
10 there and not put the marshals at risk and not put him at
11 risk. The interpreter can be there outside the cell
12 translating for him or maybe through, I don't know the
13 technology. But to bring him here like this isn't really good
14 for him, isn't good for us, it isn't good for anybody, and
15 doesn't really accomplish anything since we all acknowledge
16 that in some ways we're going through the motions by informing
17 him since he doesn't listen any way.

18 So if there's a trial in this case, and I expect
19 there will be, maybe that way we wouldn't have to bring him
20 every single day and go through this, and he would still be
21 present.

22 THE COURT: You raise a valid point. But there is a
23 question of how much in resources the government, and by that
24 I mean particularly the BOP, should be required to use to
25 indulge a defendant's absolute refusal to participate in the

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1 process. On the other hand, I recognize we are using lots of
2 resources to do this every time any way. That's for the next
3 hearing, okay?

4 Maybe I will do that at the next hearing, just
5 because there is no practical alternative. But for today's
6 hearing, I'm just going to -- I think you are right there's no
7 point in holding him there screaming. Let's get him back to
8 his cell at the MDC. I am going to require defense counsel to
9 convey to him the rulings made as we continue with the hearing
10 today and confirm that they have done so by letter. And
11 anything else they want to say to him is between them and him.
12 And there is just no reason to keep making this more difficult
13 than he's trying to make it. Okay.

14 Is it possible or is it a security issue to keep
15 that door closed so we do not need to hear him screaming?

16 MR. ARIAL: Your Honor.

17 THE COURT: Yes.

18 MR. ARIAL: I'm sorry. I mean, our concern is that
19 down the road there's some sort of an appeal. Obviously
20 that's our main concern here. And if the only record we have
21 that this defendant was notified of a trial date that came and
22 went is through the expected testimony of Mr. Dratel or
23 Mr. Stern or Miss Kellman, I'm not sure that's a great
24 circumstance for us to be in.

25 I would just like for some objective manner for us

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1 to be able communicate to him what's going on, and maybe we
2 can work this out after this appearance today.

3 THE COURT: You can try to do that. We will in
4 addition to counsel communicating with him send him the
5 translated transcript so that if he wants to read it, he can
6 read it.

7 I'll issue a short order summarizing whatever
8 rulings that I've made so it's only a couple of pages that has
9 to be translated and he has to read.

10 MR. ARIAL: That's fine, Your Honor.

11 THE COURT: Yes, I understand that you do not want
12 an appeal or a 2255 after this, but I do not see one here,
13 frankly. I think everybody here, defense counsel, the
14 government, the marshals and myself and the interpreter have
15 done everything possible to get the smallest amount of
16 cooperation from this defendant. He's just made it as clear
17 as he can that he is going to fight us at every opportunity.

18 That does not mean that we stop making efforts, but
19 it does mean that we cannot put people at risk for the sake of
20 protecting an issue from appeal that to me at this point, at
21 this point -- and I do not know, I'm not going to predict what
22 is happens going forward -- but at this point is not a real
23 vulnerability of the case as to what happens in the future.

24 MR. ARIAL: Understood, Your Honor.

25 I was going to move on to the second issue at hand,

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1 which is defense counsel's application to adjourn the trial
2 date.

3 THE COURT: Right.

4 MR. ARIAL: Which the government continues to object
5 to and I will just say to the Court when we left the Court
6 last week, the idea, as I understood it, was defense counsel
7 would reach out to the government and advise the government of
8 what things, what requests it could potentially facilitate to
9 give us some clarity in terms of what their needs were and
10 what the basis for the actual adjournment was.

11 Thus far we've had no requests from the defense for
12 any assistance in terms of the things that they are seeking,
13 and we have no real understanding why they are actually
14 seeking an adjournment, other than the representation that's
15 been made ex parte. So we're at a difficult spot, Your Honor.

16 THE COURT: And you understand the irony of that,
17 right? I mean, the irony of that is that the defendant is in
18 a difficult spot because of the CIPA production protocol that
19 does not let them know for sure that they have what they need
20 to defend the case.

21 I have ex parte submissions from the government on
22 that, and I've done the best I can to make sure that the
23 defendants have what they need. But I am not the defense
24 counsel, nevertheless the statute charges me with that role.

25 I also have, you may have not heard from the

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1 defendant again, but I have, I've gotten a second ex parte
2 letter, and let me say I know exactly why they are not talking
3 to you about what they need, because if they were to talk to
4 you about what they need, the only way I can conceive of to do
5 that would be to disclose their investigative efforts and
6 basically give you a roadmap to the defense.

7 And so here I am in the middle, where a judge always
8 is, but a little unusually I am in the middle kind of
9 mediating two sides who are, for different reasons, in partial
10 darkness about where the case is going, and I have to make
11 determinations of adequacy of your position and their position
12 without either one of you giving me the benefit of whether you
13 think each other's position is correct.

14 MR. ARIAL: And I understand that that is your role
15 as a judge, obviously, Your Honor. But when we left last
16 time, they had advised us that there were things that they
17 thought we could them with, and I'm sure there are. I think
18 if their theory of defense, whatever it might be, involves
19 sending off investigators to Afghanistan, to Pakistan, to
20 Libya, to places that are around the globe, war zones, you
21 know, those sorts of expeditions, while I understand in a
22 traditional case might be reasonable or easily obtained, here
23 we're in a different circumstance, and I think we are in a
24 position probably to assist them on those sorts of things.
25 And if they would engage with us, we might be able to resolve

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1 some of that earlier.

2 THE COURT: Well, maybe. But the fact of the matter
3 is, you can help them at a very -- at a 50,000-foot level,
4 which is where it would have to stay. I'm not sure that kind
5 of help would be of any assistance to them without disclosing
6 to you what they want to do when they come down from that
7 50,000-foot level, or to say it another way, if they tell you
8 they want to go to a certain area of Afghanistan, the
9 government is going to be able to figure out why they are
10 going, who they want to see and what they want to talk about.

11 MR. ARIAL: And if they do want to go to a certain
12 part of Afghanistan, they are going to need the government's
13 assistance, no doubt.

14 THE COURT: Some parts of it, yes. Look, we're
15 using Afghanistan as an example. There may be other places.
16 And I'm not saying they've said they want to go to
17 Afghanistan. I'm not telling you anything about the strategy
18 that they have told me, except I will say because I don't
19 think it's confidential, they need to go places, okay,
20 difficult places, some of which they can get to themselves
21 without the government's assistance, some of which they may
22 need the government's assistance, they may not.

23 But all of which, I think, to the extent they --
24 almost all of which, to the extent they brought the government
25 in, would give the government an advantage in knowing where

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1 their case is going that the government does not ordinarily
2 get in criminal prosecutions. That's the problem.

3 MR. ARIAL: And I understand these are not ordinary
4 criminal prosecutions. So to the extent that defense counsel
5 can and the Court can facilitate that process in terms of
6 making requests early, I'm sure in certain there are things
7 that we can do to assist them.

8 THE COURT: Don't be so sure. Having read their
9 letter, I'm just telling you, don't be so sure.

10 I know the desire to help is genuine. I am not
11 questioning that. And it's the desire to help being genuine
12 because you want to keep the trial date, so I understand it.
13 But there's a lot they have to do that they can do without
14 you, but it's going to be hard work whether they do it through
15 you or not.

16 All right. Anything the defendants need to add to
17 what I have just said?

18 MR. STERN: No.

19 MR. ARIAL: Your Honor, if I also may be heard in
20 terms of the delay.

21 THE COURT: Yes.

22 MR. ARIAL: I understand that there are
23 investigative tasks that we aren't aware of. Again, I'm in
24 this position of advocating without full information as we
25 both sides are, apparently.

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1 However, as is it stands, the trial date is
2 October 24th. That is approximately six months from now. The
3 adjournment that they seek, as I understand it, is to April of
4 2017. That is a year from now, and --

5 THE COURT: Well, it's a year from now, but it's
6 only six months from the trial date, right, if it's six months
7 adjourned.

8 MR. ARIAL: Yes, but that is a year from now. And
9 that, from our perspective, regardless of what investigative
10 task need to be done is a long time for a case that was
11 charged four years ago for crimes that occurred many years
12 ago; when we have victim family members who are seeking
13 resolution in this case, when we've had significant
14 adjournments due to issues that out of everybody's control,
15 except for the defendant's, so if there is an adjournment, and
16 it sounds like Your Honor is considering it given the
17 statements you've said here earlier today, we would request
18 that we proceed to trial by the end of the year or early in
19 2017 at the latest.

20 THE COURT: Anything to that?

21 MR. STERN: I guess only this: The government
22 investigates cases for as long as they want under the Statute
23 of Limitations and it indicts people and then they are ready
24 and we get these massive cases with tons of information to be
25 investigated, and they want us to do it in what they say is a

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1 long time. But they take all the time they need and now, for
2 reasons we've articulated to the best we can, we need this
3 time. We feel like we have an immense amount to do.

4 THE COURT: All right. I am convinced by the
5 defendant's ex parte submissions that there are -- the only
6 thing that weighs against granting an adjournment is that
7 there are things the defendants want to do, and if I were in
8 their shoes I would want to do them, too, things that should
9 be done, but I think there's some things they want that are
10 not going to get done if I gave them a year or two years to do
11 them. Nevertheless, they have got to make the effort.

12 And I want to talk about that for a minute because
13 there was a suggestion at the last hearing that unless the
14 defendant gives active instructions to defend to his
15 attorneys, then they may not have an obligation to pursue
16 those leads.

17 You want to worry about appellant issue or 2255
18 issues, that is the one to worry about, all right? The
19 possibility that this defendant might go ahead and a month
20 before the scheduled trial suddenly say, yes, I want to defend
21 this case and his attorneys, because they have no direction,
22 have done nothing to prepare the case. That to me is a
23 position that I will not put the Court in.

24 So I am in agreement with defense counsel that
25 notwithstanding the lack of input from their client, they have

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1 to undertake to prepare the best defense that they can. That
2 is their ethical and legal obligations to do. But I don't
3 think that April of next year is going to be any better than
4 February of next year.

5 What I am going to do is this because I understand
6 the government's logistical problems. I am going to reset the
7 trial for whatever date in February or March the government
8 says it can coordinate its witnesses. I will leave it open
9 now, give you a couple of weeks, whatever I've got in February
10 and March I will move to accommodate this case. And if you
11 can be ready February 1st, then we will pick on February 1st.
12 And if you cannot be ready until March 1st, then we will pick
13 on March 1st.

14 But looking at the tasks that the defendants have to
15 do which are onerous, I mean really onerous and yet perfectly
16 necessary in a case like this, either it's going to get done
17 by that timetable or it's not going to get done at all, in my
18 view, and some of it is not going to get done at all.

19 So I think that's the new timetable I want to set
20 that is going to keep a trial date open right now until I hear
21 from the government as to what you want.

22 MR. ARIAL: Certainly, Your Honor. And just so the
23 Court is aware, our main concern in terms of foreign witnesses
24 are the Italian witnesses and we are meeting with them in the
25 near term over the next week and so that will actually drive a

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1 lot of our concerns --

2 THE COURT: Okay, you will get back to me when you
3 can.

4 MR. ARIAL: It will likely be early February, but...

5 THE COURT: Okay. You know, it is essentially a
6 four-month delay of the trial to make absolutely certain that
7 this very difficult defendant has any due process concerns
8 that are possible satisfied. And I think the investment of
9 that time is well worth it, and as I said before, the
10 government chose to bring a criminal prosecution in this
11 manner. And doing so, we have to make some extra effort to
12 make sure that as something we all concede is a very
13 unorthodox case does not end up depriving the defendant of any
14 process that he is possibly seeking.

15 So that's going to be the new timetable, and the
16 government will let me know.

17 All right. Anything else?

18 We are still going to use October 24th as a status
19 conference, just so we make sure that we are on track, but I
20 am telling the defendant that it will have to be much more
21 than you've given me so far to get a further adjournment.

22 Really, I am looking at what you told me you had to
23 do. I am not disregarding any of that. I thought everything
24 you said are things that really have to be done, and I do not
25 think it is going to require or even tolerate much assistance

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1 from the government, but that's the absolute.

2 And also I will mention, it is not that long for a
3 case like this. I mean, my God, two years ago I tried a mafia
4 case that was indicted in 2008, and it was tried in 2015 and
5 the crimes had occurred in the 1990s. So these things happen
6 in these cases.

7 MR. ARIAL: I understand, Your Honor, and it's just
8 that this case has had some lags and we're looking for
9 finality.

10 The only thing else I would request is with respect
11 to the trial date, that when we submit a proposed trial date
12 that we also set a motion schedule or a proposed motion
13 schedule upon agreement by the parties so that we have some
14 clarity because there are other hearings that could come up
15 beforehand that are complicated as well and we'll want to get
16 those done.

17 THE COURT: I think that's a good point. If it's
18 possible, I'd like to have motions filed by October 24th.

19 MR. ARIAL: That's feasible and it's certainly
20 reasonable with a couple of exceptions, maybe some in limine
21 issues that we may not be able to forecast.

22 Another issue is, obviously, that depending on what
23 we get and, you know, where we are by that time. The other
24 is -- and, obviously, we will working on this in the interim,
25 sometimes the CIPA stuff takes a little bit longer.

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1 THE COURT: Well, I factored that in, okay. You've
2 told me the difficulties with that in your letter, and I agree
3 with you, and I'm thinking how much time can this take. And
4 like I said, you're either going to get to the bottom of that
5 within this time or you're not. So I am taking that into
6 account.

7 MR. ARIAL: Your Honor, I think in terms of in
8 limine issues, I think that those are particularly the types
9 of things that we should be dealing with earlier rather than
10 later given the nature of the case and the classified issues
11 that could come up, because many of the in limine issues
12 ultimately are going to be the most difficult issues that we
13 are going to have address before trial.

14 THE COURT: I want those motions made by
15 October 24th, to the extent they're based on information that
16 was known prior to October 24th.

17 MR. ARIAL: And that was my point, Your Honor.

18 THE COURT: If something comes up later, it will
19 come up later, but there has to be cause to make a motion
20 later than October 24th.

21 The other thing with the in limine motion is before
22 you file them, please talk to your adversary. Sometimes these
23 things get consented to and filed for no reason and that will
24 save everyone a lot of time. Okay?

25 Anything further we need to address?

Proceedings

1 MR. STERN: Not from us.

2 MR. ARIAL: No, Your Honor.

3 In terms of speedy trial, though, we would ask that
4 time be excluded because of the complexity of the case and the
5 motions and the trial schedule as it is.

6 THE COURT: All right, that's fine. At this point I
7 will exclude time until October 24th. I have previously found
8 the case to be quite obviously complex. I expect I will
9 exclude more time until the trial, once we know what the
10 actual start date is. And the government will get back to me
11 with that as soon as possible. But for now, time is excluded
12 until October 24th.

13 Okay, thank you all.

14 MR. ARIAL: Thank you.

15 THE COURT: Thank you, marshals, I appreciate your
16 efforts.

17 (Matter concluded.)

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21 I certify that the foregoing is a correct transcript from the
22 record of proceedings in the above-entitled matter.

23 /s/ Linda D. Danelczyk

June 27th, 2016

24 LINDA D. DANELCZYK

DATE

25